



PATENT
Docket No. 10390US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HSIEH et al.

Serial No.: 10/691,249

Filed: October 22, 2003

For: DUAL-LAYER DATA STORAGE MEDIA
HAVING DIFFERING BINDER SYSTEMS
IN EACH LAYER

Examiner: S. Resan

Group Art Unit: 1773

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Examiner Stevan A. ResanFax No.: ~~(703)~~ 872-9306

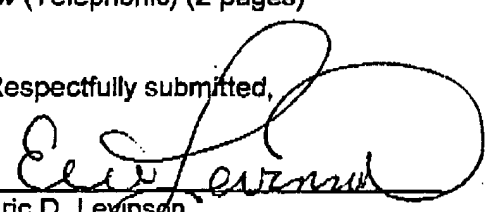
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Dear Sir:

I certify that the following pages are being telefacsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

1. Request for Continued Examination (RCE) Transmittal Sheet containing Certificate of Facsimile Transmission, in duplicate (2 pages)
2. Amendment containing Certificate of Facsimile Transmission (17 pages)
3. Summary of Examiner Interview (Telephonic) (2 pages)

Respectfully submitted,


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1/17/06

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22 PAGES - INCLUDING COVER PAGE

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Meng C. Hsieh; Gary L. Featherstone; Matthew N. Fraley; Stanley C. Busman	Confirmation No.	5457
Serial No.:	10/691,249	Examiner:	Stevan A. Resan
Filed:	October 22, 2003	Group Art Unit:	1773
Docket No.:	10390US01		
Title:	DUAL-LAYER DATA STORAGE MEDIA HAVING DIFFERING BINDER SYSTEMS IN EACH LAYER		

SUMMARY OF EXAMINER INTERVIEW (TELEPHONIC)**Time: January 6, 2006 10:30 am Eastern time****Attendees:**

Supervising Examiner Carol Chaney

James A. Baker, Reg. No. 44,520 – Applicant's representative

H. Sanders Gwin, Reg. No. 33,242 – Applicant's representative

I. Review of Examiner Resan's Final Office Action

- a. In the Final Office Action, the Examiner rejected claims 2-10, 17-24 and 27 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner asserted that the term "Tg of the composite front side" is indefinite. The Examiner further asserted the terms "hard" and "soft" resin are indefinite.
- b. In the Final Office Action, the Examiner rejected claims 1-27 under 35 U.S.C. 103(a) in view of *Kubota et al.*

II. Discussion of Applicants' proposed amendments

- a. Applicants' representatives suggested amending claim 2 to remove the term "Tg of the composite front side." Applicants' representatives further suggested

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Summary of Examiner Interview dated January 6, 2006

amending claim 1 to include the limitation "wherein said lower support layer binder system Tg is at least about 60°C as calculated using the Fox equation."

- b. Applicants' representatives further suggested that the terms "hard" and "soft" with respect to resins were well known terms of art used to describe the comparative magnitudes of glass transition temperatures for two resins. Applicants nevertheless suggested amending claims 3, 5, 7, and 17-19 to clarify this relative Tg relationship between the "hard" and "soft" resins.

III. Discussion of the claims

- a. Applicants' representatives suggested that the proposed amendments were supported by the specification, particularly Examples 1C, 2, 3 and 4C.
- b. Applicants' representatives further suggested that the proposed amendments would overcome the Examiner's rejection of claims 1-27 under 35 U.S.C. 103(a) in view of the *Kubota et al.* reference, which teaches a lower layer binder system having a Tg between 30-50°C.
- c. The Supervising Examiner noted that while the proposed amendments would likely overcome both the rejection under 35 U.S.C. section 112, second paragraph and under 35 U.S.C. section 103(a), the proposed amendment to independent claim 1 would broaden the claim, and would therefore require a new search and examination.
- d. The Supervising Examiner further noted that an Advisory Action would likely result and the proposed claim amendments would likely not be entered, since a Final Office Action has been received by Applicants.

IV. Agreements by the parties

- a. Applicants' representatives agreed to submit a response to the Final Office Action with the proposed claim amendments and a Request for Continued Examination.
- b. The Supervising Examiner agreed to assign the pending application to a new Examiner as a replacement to Examiner Stevan Resan, who retired on 12/31/05.